

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DANIEL M. MURRELL II,
for Daniel Murrell III
nfr
Daniel Murrell III,

Plaintiff,

vs.

No. CIV 00-1639 MV/LFG

SOCIAL SECURITY ADMINISTRATION,
Larry G. Massanari, Acting Commissioner,

Defendant.

MAGISTRATE JUDGE'S RECOMMENDATION
FOR DISMISSAL WITHOUT PREJUDICE¹

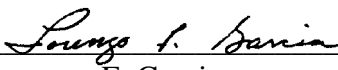
THIS MATTER comes before the Court *sua sponte*. The complaint in this action was filed on November 20, 2000. No service of process has ever been effected. Plaintiff was notified by the Clerk's office on April 5, 2001, that his Financial Affidavit would have to be notarized or the case would be subject to dismissal. The affidavit was not notarized.

On June 19, 2001, the Court entered a Notice of Impending Dismissal [Doc. 3], advising Plaintiff that the 120 days allowed for service under Fed. R. Civ. P. 4(m) had elapsed and his action would be dismissed unless he showed good cause, within 30 days, why the case should be retained on the Court's docket. Plaintiff's explanation satisfied the Court, and he was given an extension, until

¹Within ten (10) days after a party is served with a copy of this recommended disposition, that party may, pursuant to 28 U.S.C. § 636(b)(1), file written objections to such recommendation. A party must file any objections within the ten-day period allowed if that party wants appellate review of the recommendation. If no objections are filed, no appellate review will be allowed.

October 15, 2001, to serve Defendant. He was warned that failure to do so may result in dismissal [Doc. 5].

To date, no service has been made. Although *pro se* pleadings are to be liberally construed, Haines v. Kerner, 404 U.S. 519, 520, 92 S. Ct. 594, 595 (1972), *pro se* litigants are, nevertheless, obligated to follow the same rules of procedure applicable to others. Green v. Dorrell, 969 F.2d 915, 917 (10th Cir. 1992). The Court recommends that this case be dismissed without prejudice.



Lorenzo F. Garcia
United States Magistrate Judge